

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HOLOGIC, INC., a Delaware corporation; and  
CYTYC SURGICAL PRODUCTS, LLC, a  
Massachusetts limited liability company,

Plaintiffs,

v.

MINERVA SURGICAL, INC., a Delaware  
corporation,

Defendant.

C.A. No. 20-925-JFB-SRF

**JOINT MOTION FOR TELECONFERENCE TO RESOLVE DISCOVERY DISPUTES**

Plaintiffs Hologic, Inc. and Cytyc Surgical Products, LLC (collectively, “Hologic”) and Defendant Minerva Surgical, Inc. (“Minerva”) respectfully move this Court to schedule a teleconference to address outstanding disputes regarding the following discovery matters:

1. Minerva produced an opinion of independent (not trial) counsel in the First Action on February 1, 2017 and currently intends to rely upon the opinion of counsel to rebut a charge of willfulness. The parties dispute the scope of the privilege waiver. This dispute impacts the scope of deposition testimony, including 30(b)(6) deposition testimony, and the production of documents.
2. The deposition of Minerva’s founder, Mr. Csaba Truckai.

The parties request resolution of these issues at the Court’s earliest convenience, preferably during the Status Conference already scheduled on Tuesday, January 5, 2021, at 1:00 p.m. The close of fact discovery is December 30, opening expert reports are due on January 18, and the dispute on the scope of the privilege waiver impacts the 30(b)(6) deposition, individual depositions, and Minerva’s production of documents.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on December 15, 2020:

Delaware Counsel:

- Karen L. Pascale, attorney for Hologic
- Ian Liston, attorney for Minerva

Lead Counsel:

- Ryan J. Casamiquela, Nicholas M. Nyemah, attorneys for Hologic
- Erik J. Carlson and Olivia M. Kim, attorneys for Minerva

The parties are available for a teleconference on Tuesday, January 5, 2021 at 1:00 p.m. (the same date and time on which the Court scheduled the Status Conference (*see* D.I. 20, Scheduling Order at ¶ 8), with the following briefing dates:

- Opening letter brief on Tuesday, December 29, 2020, at 1:00 p.m.; and
- Responsive letter brief on Wednesday, December 30, 2020, at 1:00 p.m.

DATED: December 21, 2020

**YOUNG CONAWAY STARGATT & TAYLOR LLP**

/s/ Karen L. Pascale

Karen L. Pascale (#2903)  
Pilar Kraman (#5199)  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
Telephone: (302) 571-6600  
kpascale@ycst.com  
pkraman@ycst.com

Marc A. Cohn  
William O. Young, Jr.  
**ARNOLD & PORTER KAYE SCHOLER LLP**  
601 Massachusetts Ave., NW  
Washington, DC 20001  
Telephone: (202) 942-5000  
marc.cohn@arnoldporter.com  
william.young@arnoldporter.com

Ryan J. Casamiquela  
**ARNOLD & PORTER KAYE SCHOLER LLP**  
Three Embarcadero Center, 10th Floor  
San Francisco, CA 94111  
Telephone: (415) 471-3100  
ryan.casamiquela@arnoldporter.com

Assad Rajani  
**ARNOLD & PORTER KAYE SCHOLER LLP**  
3000 El Camino Real  
Five Palo Alto Square, Suite 500  
Palo Alto, CA 94306  
Telephone: (650) 319-4500  
assad.rajani@arnoldporter.com

*Attorneys for Plaintiffs Hologic, Inc. and Cytoc  
Surgical Products, LLC*

**WILSON SONSINI GOODRICH & ROSATI PC**

/s/ Ian R. Liston

Ian R. Liston  
222 Delaware Avenue, Suite 800  
Wilmington, DE 19801  
Telephone: (302) 304-7606  
iliston@wsgr.com

Vera M. Elson  
**WILSON SONSINI GOODRICH & ROSATI PC**  
650 Page Mill Road  
Palo Alto, CA 94304  
Telephone: (650) 493-9300  
velson@wsgr.com

Edward G. Poplawski  
Olivia M. Kim  
Erik J. Carlson  
**WILSON SONSINI GOODRICH & ROSATI PC**  
633 West Fifth Street, Suite 1550  
Los Angeles, CA 90071  
Telephone: (323) 210-2900  
epoplawski@wsgr.com  
okim@wsgr.com  
ecarlson@wsgr.com

*Attorneys for Defendant Minerva Surgical, Inc.*